



Board of Adjustment Case Report

City of Raleigh
Department of City Planning
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2626
www.raleighnc.gov

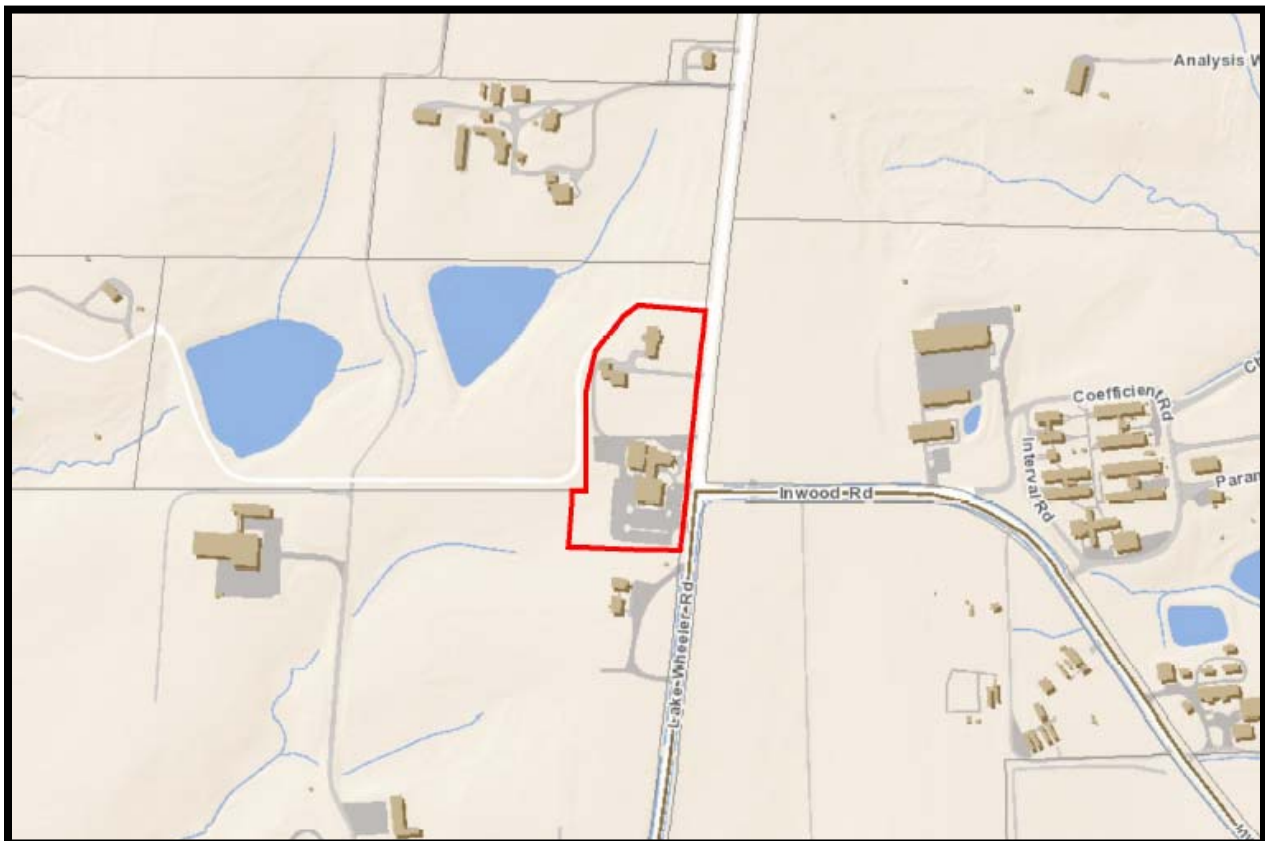
Case File: A-95-16

Property Address: 3700 Lake Wheeler Road

Property Owner: The Point Church

Project Contact: Nicholas Karr

Nature of Case: A request for relief from the landscaping requirements set forth in Section 7.2.8.C.2. of the Unified Development Ordinance to allow for a fence in excess of 42" in height to remain unscreened with planning materials adjacent to a thoroughfare on a 6 acre property zoned Residential-1.



3700 Lake Wheeler Road – Location Map

To BOA: 8-8-16

Staff Coordinator: Eric S. Hodge, AICP

**ZONING
DISTRICTS:** Residential-1



3700 Lake Wheeler Road – Zoning Map

VARIANCE STANDARDS: In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

Section 7.2.8. Walls and Fences

A. Applicability

The following requirements apply to walls and fences located outside of a protective yard or required screening area.

B. General Standards

1. Fences and walls must be constructed of high quality materials including 1 or a combination of the following: decorative blocks; brick; stone; caststone; architectural block; split-faced block; stucco over standard concrete masonry blocks; glass block; wood; wrought iron; composite fencing; wire, PVC vinyl; aluminum; metal or other material approved by the Planning and Development Officer.
2. No wall or fence may be located within any required drainage or utility easement or similar City of Raleigh easement.
3. Barbed wire or concertina wire may be allowed in accordance Sec. 13-3011.
4. Except in an IH District, chain-link fences are not allowed in any front or side street setback.
5. The maximum length of a continuous, unbroken and uninterrupted fence or wall plane shall be 100 feet. Breaks shall be provided through the use of columns, landscaped areas, transparent sections or a change in material.
6. Except in an IH District, a wall or fence not more than 6 feet height may be located in a front or side street setback, provided the opacity of the wall or fence above 4 feet in height exceeds 50%.
7. A wall or fence may not exceed 8 feet in height in a side or rear setback.

C. Fences and Walls Adjacent to Thoroughfares

1. ***A fence or wall located within 20 feet of a Thoroughfare right-of-way shall either be less than 42 inches in height or situated at least 15 feet from the edge of the right-of-way and be screened with evergreen planting materials, so that no more than one-fourth of the fence or wall surface area will be visible from the Thoroughfare within 3 years of erection of the fence or wall.***
2. All fences and walls that are more than 42 inches in height and are located between 20 and 40 feet from any Thoroughfare right-of-way shall be installed with planting materials, so that no more than one-third of the fence or wall surface area will be visible from the Thoroughfare within three years of erection of the fence or wall. 40% of this plant material may be deciduous. Decorative fences that are more than 50% open shall be exempt from these provisions.

Application for Variance



RALEIGH
DEPARTMENT OF
CITY PLANNING



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

Submit application to: Development Services Customer Service Center, 1 Exchange Plaza, Suite 400, Raleigh, NC 27601

NATURE OF REQUEST	OFFICE USE ONLY
<p>Nature of variance request (If more space is needed, submit addendum on separate sheet):</p> <p>When we sought to permit our fence on Lake Wheeler Rd, we were unable to comply with this comment during the review process: The fence is also required to be screened with evergreen planting material so that no more than 1/4 of the fence will be visible within 3 years of erection of the fence. The reason for this issue is that we are encroaching the Lake Wheeler right of way (due to the cemetery on our property), and NCDOT doesn't want us to go any further into the right of way (though they are okay with where we are now). We are seeking a variance of this requirement (the evergreen planting) so that we can keep the fence. Ms. Willson & Mr. Ritchie from City of Raleigh recommended we seek this variance.</p>	<p>Transaction Number</p> <p><i>A-95-16</i></p>
<p>Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.</p> <p>Our Plan Review Transaction ID Number is: 473889.</p>	

GENERAL INFORMATION		
Property Address 3700 Lake Wheeler Road	Date 7/6/16	
Property PIN 0792319161	Current Zoning R-1	
Nearest Intersection Lake Wheeler & Tryon Road	Property size (in acres) 6 acres	
Property Owner The Point Church	Phone 919-467-9159	Fax
Owner's Mailing Address 1503 Walnut St Cary, NC 27511	Email jeremy@pointchurch.com	
Project Contact Person Jeremy Hyde	Phone 919-632-7011	Fax
Contact Person's Mailing Address 1503 Walnut St Cary, NC 27511	Email jeremy@pointchurch.com	
Property Owner Signature <i>Jeff Hyde</i>	Email JEFFH@POINTCHURCH.COM	
<p>Notary</p> <p>Sworn and subscribed before me this <u>7</u> day of <u>July</u>, 20<u>16</u></p>	<p>Notary Signature and Seal</p> <p><i>Margaret E. Ash</i></p> <p><i>ASH</i></p> <p><i>2021</i></p> <p>NOTARY MARGARET E. ASH CHATHAM COUNTY, NC</p>	





City of Raleigh
North Carolina

NOTICE OF VIOLATION

April 22, 2016

The Point Church
Jeremy Hyde, Charlie Soden
3700 Lake Wheeler Road
Raleigh, NC 27603-3334

The Point Church of the Triangle
1503 Walnut Street
Cary, NC 27511-5926

RE: Zoning Violation – 3700 Lake Wheeler Road

Dear The Point Church Representative:

A zoning violation was identified during an inspection conducted on March 17, 2016 at the property located at 3700 Lake Wheeler Road, for which you are responsible. The specific violation(s) is/are:

1. Erecting a fence on the property without first obtaining all necessary permits UDO Section 10.2.7.

During the inspection on March 17, 2016 a fence was identified on the property in which necessary permits had not been obtained to construct. Photographs taken during the inspection are attached.

According to UDO Section 10.2.7 Plot Plan Review "A plot plan is required for certain improvements as listed below... a. Construction of a fence, wall, gazebo, carport, home swimming pool, deck, porch, or patio."

Please be advised that upon receipt of this Notice of Violation you have until **May 27, 2016** to resolve this violation. You may resolve this violation by the following immediate corrective actions:

1. Obtaining all necessary permits for the fence constructed and passing all necessary inspections associated with fence permit obtained or

2. Remove fence
3. Notification of compliance must be submitted to me for inspection on or before **May 27, 2016**

Failure to resolve the violation by **May 27, 2016** will result in an initial fine of \$100.00, an administrative fee of \$100.00, continuing fines of \$500.00 per day, and other enforcement action, including, but not limited to, the commencement of legal action and injunctive relief.

If I may be of further assistance, please do not hesitate to contact me. I may be reached at (919)306-2235 or erin.sullivan@raleighnc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Erin Sullivan', with a long horizontal flourish extending to the right.

Erin Sullivan
Zoning Inspector

Attachments

[Home](#)

Wake County Real Estate Data Account Summary

[iMaps](#)
[Tax Bills](#)
Real Estate ID **0090151** PIN # **0792319161**
[Account Search](#)

 Location Address
3700 LAKE WHEELER RD 3700 LAKE WHEELER ROAD
[Pin/Parcel History](#) [Search Results](#) [New Search](#)

 NORTH CAROLINA [Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

Property Owner THE POINT CHURCH OF THE TRIANGLE (Use the Deeds link to view any additional owners)		Owner's Mailing Address 1503 WALNUT ST CARY NC 27511-5926	Property Location Address 3700 LAKE WHEELER RD RALEIGH NC 27603-3334
Administrative Data Old Map # 630-00000-0070 Map/Scale 0792 03 VCS SWRA001 City Fire District 23 Township SWIFT CREEK Land Class EXEMPT ETJ RA Spec Dist(s) Zoning R-1 History ID 1 History ID 2 Acreage 6.19 Permit Date 5/22/1998 Permit # 0000040062		Transfer Information Deed Date 12/16/2015 Book & Page SEC O F ST Revenue Stamps Pkg Sale Date Pkg Sale Price Land Sale Date Land Sale Price Improvement Summary Total Units 1 Recycle Units 1 Apt/SC Sqft Heated Area 30,028	Assessed Value Land Value Assessed \$464,250 Bldg. Value Assessed \$2,732,021 Tax Relief Land Use Value Use Value Deferment Historic Deferment Total Deferred Value Use/Hist/Tax Relief Assessed Total Value Assessed* \$3,196,271

*Wake County assessed building and land values reflect the market value as of January 1, 2016, which is the date of the last county-wide revaluation. Any inflation, deflation or other economic changes occurring after this date does not affect the assessed value of the property and cannot be lawfully considered when reviewing the value for adjustment.

The January 1, 2016 values will remain in effect until the next county-wide revaluation. Until that time, any real estate accounts created or new construction built is assessed according to the 2016 Schedule of Values.

For questions regarding the information displayed on this site, please contact the Revenue Department at RevHelp@wakegov.com or call 919-856-5400.

Real Estate ID 0090151

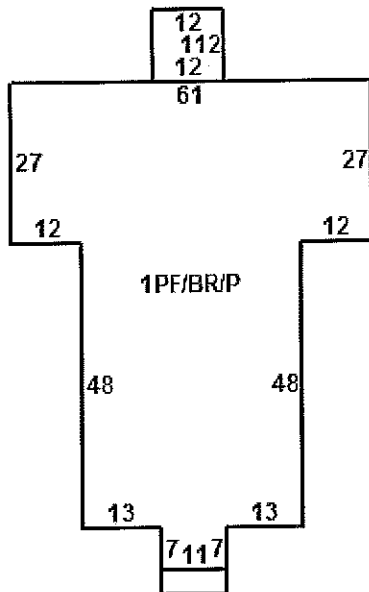
PIN # 0792319161

Account
SearchLocation Address
3700 LAKE WHEELER RDProperty Description
3700 LAKE WHEELER ROAD[Pin/Parcel History](#) [Search Results](#) [New Search](#)[Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

Building Location Address 3700 LAKE WHEELER RD		Building Description INWOOD BAPTIST CHURCH		Select Card Card 01 Of 05	
				1 ▼ GO Card 2>	
Bldg Type	66 Church	Year Blt	1935	Eff Year	1975
Units		Addns		Remod	
Heated Area	5,775	Int. Adjust.	ATTIC-50% Partly		
Story Height	1 Story		Fin		
Style	Conventional		BSMT-Fully		
Basement	50% Partial Bas		Finished		
Exterior	Brick	Other Features			
Const Type	Wood Joist				
Heating	Central				
Air Cond	Central				
Plumbing	Adequate				
				Base Bldg Value	\$741,880
				Grade	25.65 120%
				Cond %	B 42%
				Market Adj.	
				Market Adj.	
				Accrued %	42%
				Incomplete Code	
				Card 01 Value	\$373,908
				All Other Cards	\$2,358,113
				Land Value Assessed	\$464,250
				Total Value Assessed	\$3,196,271

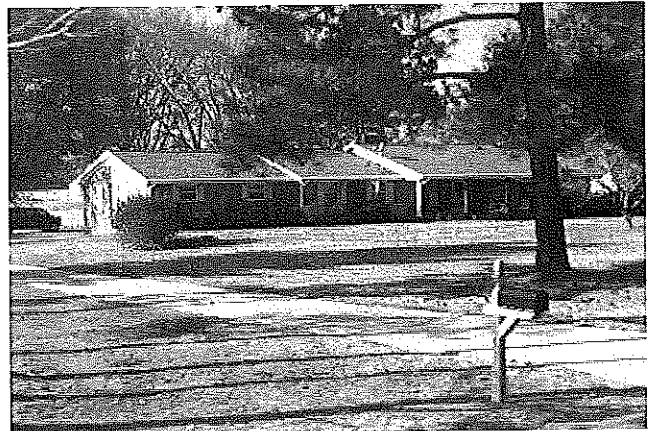
Main and Addition Summary					Other Improvements				
Story	Type	Code	Area	Inc	Units	DesItem	Code	Year %ADJ Inc	Value
M	1	PF/BR/P	3500						
A	1	STP	44						
B	1	0466	144						
C									
D									
E									
F									
G									
H									

Building Sketch



Photograph

12/9/2011



0090151 12/09/2011